GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:732
ANSWERED ON:01.03.2016
Witness Protection Programme
Lakhanpal Shri Raghav;Senguttuvan Shri Balasubramaniam

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government provides protection/security to witnesses in the country and if so, the details thereof and if not, the reasons therefor;

(b) whether the Government has received reports/complaints with regard to attack/murder, harassment, threatening of witnesses and forcing them to turn hostile by the accused and other influential people;

(c) if so, the total number of such cases reported, guilty arrested and the action taken against them separately during each of the last three years and the current year, State and UT-wise;

(d) whether the Government is aware of several instances of witnesses turning hostile during trial on account of absence of protection and the criminals were set free and if so, the details thereof and the action taken in this regard;

(e) whether the Government has any proposal to bring in a new law or amend the provisions of the Code of Criminal Procedure for providing protection to witnesses and if so, the details thereof; and

(f) the progress made regarding implementation of witness protection programme along with the other measures taken by the Government to provide protection to witnesses and the details of advisories issues to the States and police departments in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HARIBHAI PARATHIBHAI CHAUDHARY)

(a) to (f): The 198th Report of the Law Commission of India on 'Witness Identity Protection and Witness Protection Programme' has been circulated to the State Governments / Union Territory Administrations for consultation. There are provisions in Section 195A of the Indian Penal Code (IPC) and Section 195A of the Code of Criminal Procedure (CrPC) to provide legal recourse to the witnesses. Details of instances of protection/security to witnesses are not maintained centrally. Further, Police' and 'Public Order' are State subjects under the seventh Schedule to the Constitution of India and therefore, the State Governments are primarily responsible for prevention, detection, registration and investigation of crime and for prosecuting criminals. The Union Government, however, attaches highest importance to the matter of prevention of crime and therefore, has continued to urge the State Governments/ UT Administrations to give more focused attention towards improving the administration of criminal justice system and taking such measures as are necessary for prevention and control of crime within their respective jurisdictions.
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